

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 10/3/2023

RDK NY INC.,

Plaintiff,

v.

BBC STUDIOS AMERICAS, INC.,

Defendant.

Case No. 1:23-cv-06851-LAK

JOINT MOTION FOR LEAVE TO AMEND COMPLAINT AND TRANSFER VENUE

Plaintiff RDK NY Inc. (“Plaintiff”) and Defendant BBC Studios Americas, Inc. (“Defendant” and, together with Plaintiff, the “Parties”) jointly move for leave to file an amended complaint and to transfer this action to the United States District Court for the District of Columbia. In support of this motion, the Parties jointly state as follows:

WHEREAS, Plaintiff RDK NY Inc. (“Plaintiff”) commenced this action against Defendant BBC Studios Americas, Inc. (“Defendant”) on August 4, 2023;

WHEREAS, Defendant’s current deadline to respond to the Complaint is October 11, 2023 [ECF 13];

WHEREAS, Plaintiff represents that it is the owner, by virtue of assignment, of the copyright asserted in the complaint;

WHEREAS, Defendant represents that it does not own, operate, or control the webpage on which Plaintiff’s claims are based and is not the proper party to Plaintiff’s claims in this action; instead, at all relevant times, the British Broadcasting Corporation owned and controlled the webpage on which Plaintiff’s claims are based;

WHEREAS, the British Broadcasting Corporation is a U.K. statutory corporation established by Royal Charter and Agreement by the Parliament of the United Kingdom, but is also registered to do business in the District of Columbia with a place of business at 2000 M Street NW, Suite 800, Washington, DC 20036.

WHEREAS, Defendant represents that venue is neither proper nor convenient in this district as to Plaintiff's claims against the British Broadcasting Corporation and that this district is without personal jurisdiction over the British Broadcasting Corporation;

WHEREAS, the British Broadcasting Corporation does not object to personal jurisdiction over it in the District of Columbia; and

WHEREAS, the Parties consent to the transfer of this action to the United States District Court for the District of Columbia.

Accordingly, the Parties jointly request that:

- 1) Pursuant to Fed. R. Civ. P. 15(a)(2), that Plaintiff be granted leave to file the Amended Complaint attached as **Exhibit A** to (a) allege Plaintiff's ownership by assignment of the asserted copyright, and (b) substitute the British Broadcasting Corporation as the proper defendant in place of Defendant BBC Studios Americas, Inc.;
- 2) Upon entry of Plaintiff's Amended Complaint, that the Court transfer this action to the United States District Court for the District of Columbia pursuant to 28 U.S.C. § 1404(a) and the Parties' joint agreement and consent; and
- 3) The Court vacate Defendant's October 11, 2023 response deadline to the current complaint pending acceptance of the Amended Complaint and transfer of this action to the United States District Court for the District of Columbia, whereupon such

response deadline will be reset upon service of the Amended Complaint in the District of Columbia.

Dated: September 29, 2023

Respectfully submitted,

/s/James H. Freeman /

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Counsel for Plaintiff

Dated: September 29, 2023

Respectfully submitted,

/s/ Saul Cohen /

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Counsel for Defendant

SO ORDERED this

3 day of October, 2023

Application GRANTED to the extent that plaintiff may file the proposed Amended Complaint. *See* Fed. R. Civ. P. 15(a)(2). However, the proposed new defendant, British Broadcasting Corporation (BBC), has neither moved for nor stipulated to the proposed change of venue. Once the Amended Complaint is served on BBC (or service is waived), it may request a change of venue. SO ORDERED.



Hon. ~~Lewis A. Kaplan~~
Barbara Moses
United States ~~District~~ Judge
Magistrate